

**REMARKS/ARGUMENTS**

Former claims 1 to 31 have been cancelled. New claims 32 to 64 have been added. No admission or representation is made by the present amendments.

**Rejection of Claims 1-31 under 35 U.S.C. 102(e) and 103(a)**

The Examiner has rejected former claims 1-9, 11-15, 17-20, and 26-31 under 35 U.S.C. 102 as being anticipated by U.S. Patent Application Publication No. 2005/0113123 (Torvinen). The Examiner has also rejected former claims 10, 16, and 21-25 under U.S.C. 103(a) as being obvious having regard to Torvinen in view of other publications. The Applicant respectfully submits that the subject matter of new claims 32 to 64 is both new and non-obvious in view of the cited references for reasons set forth below.

New claim 32 recites a method of creating and managing a group of mobile stations for a communication session in a communications network, the communication session being one in which users of respective mobile stations communicate with one another, the method comprising:

receiving at least one rule defining a member of the group, the at least one rule being received in association with a group address; and

dynamically populating the group with members from the mobile stations determined in accordance with the at least one rule and respective presence information published for one or more mobile stations or users in order to initiate a group communications session, the populating comprising determining which of users and/or the mobile stations of the users match the at least one rule.

Torvinen describes a method and system for organizing a group session between members based on their location or proximity and the technical capabilities that are considered to be necessary to engage in the group session as determined by the organizing terminal. This is illustrated in the example given at paragraph 58:

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[0058] Minimum group member capabilities may also be assigned to the group characteristics to aid in matching the group to its member's capabilities. For example, instant messaging (IM) may potentially be required during the group session. In such an instance, only those terminals having SIP capability, assuming SIP is used as the IM transport, should be allowed into the group. Still other messaging formats, such as the Short Messaging Service (SMS) or the Multimedia Messaging Service (MMS) may be required to facilitate group formation/management and could therefore be enforced as a necessary group formation criteria. Other group scenarios, such as a demonstration scenario, may require the member constituents to possess gaming and/or imaging capability to facilitate the demonstration.

The Examiner appears to equate the criteria for determining the technical capabilities required of group members discussed at paragraph 13 of Torvinen with the at least one rule defining a member of the group for a communication session, however these features are not equivalent. The at least one rule defines members of the group in terms of the characteristics of the members rather than the terminals of the groups members as in Torvinen. The rule is evaluated in terms of presence information published about users of one or more mobile stations to determine whether they match the rule defined a member of the group. The group is then dynamically populated with users/mobile stations whose published presence information matches the rule. This capability is not taught nor suggested in Torvinen. Torvinen, in contrast to the present application, determines potential group members to invite to a group session based on location/proximity information and the technical capabilities determined to be necessary to engage in the group session as determined by the organizing terminal. Although Torvinen makes brief reference to presence servers, it does not teach nor suggest using presence information to dynamically create a group for a group communication session as in new claim 32. Neither are these features taught or suggested by the other references cited by the Examiner, alone or in combination with Torvinen.

In view of the above, the Applicant submits that new claim 32 is both novel and non-obvious in view of Torvinen. Claims 33-48, and 56-58 depend directly or indirectly

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from claim 32, and are considered to be novel and non-obvious for at least the same reasons given for claim 32.

Independent claims 49, 53, 54 and 55, and dependent claims 50-52 and 59-64 are directed to methods and apparatus related to claim 32, in which at least one rule defines a member of a group for a communication session, the group being dynamically populated with members in accordance with the at least one rule and respective presence information published for one or more mobile stations or users, the populating comprising determining which users and/or mobile stations match the at least one rule. Thus, the above comments in connection with claim 32 also apply in respect of these claims. Accordingly, claims 49-55 and 59-64 are considered to be novel and non-obvious for at least the same reasons given above for claim 32.

The Applicant respectfully submits that the application is now in condition for allowance and requests that a timely Notice of Allowance be issued.

Sincerely,



Robert Diaz

Eckert Seamans Cherin &  
Mellott, LLC